

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANDREA L.,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration;

Defendant.

4:21CV3120

**MEMORANDUM
AND ORDER**

This matter is before the court on Defendant's unopposed motion to remand this social security appeal (Filing 25).

Defendant states in a supporting brief that that the ALJ erred because he "failed to identify the mental limitations opined by Dr. Marti and LIMHP Clinchard, and he gave no rationale or discussion as to the persuasiveness of these opinions (Tr. 25-26)." (Filing 26 at 2.) Defendant "requests a reversal of the decision and a remand for further administrative proceedings to address all medical source opinions in the record and reassess Plaintiff's residual functional capacity (RFC). *See* 20 C.F.R. § 404.1520c(b); SSR96-8p, 1996 WL 374184, at *7 (July 2, 1996)." (*Ibid.*)

Because I construe Defendant's motion as a concession of error at the administrative level that brings into question the decision below, and because Defendant specifically concedes that this matter should be remanded pursuant to sentence four of 42 U.S.C. § 405(g), I will reverse and remand this matter to Defendant for further proceedings as outlined in Defendant's brief.

Accordingly,

IT IS ORDERED:

1. Defendant's unopposed motion to remand (Filing 25) is granted.

2. This matter is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).
3. Judgment shall be entered by separate document.

Dated this 6th day of January 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge